



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE
4949-A Cox Road, Glen Allen, Virginia 23060
(804) 527-5020 FAX (804) 527-5106
www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

James J. Golden
Regional Director

July 22, 2020

Mr. H. Wayne Carter, III
Executive Director
Southside Regional Public Service Authority
P.O. Box 362
Boydton, VA 23917

Location: Mecklenburg
Registration No.: 32071

Dear Mr. Carter:

Attached is a renewal Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning July 22, 2020.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on March 6, 2020 and solicited written public comments by placing a newspaper advertisement in The News-Progress on June 10, 2020. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on July 10, 2020.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve the Southside Regional Public Service Authority of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a

Mr. H. Wayne Carter
July 22, 2020
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petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact the regional office at (804) 527-5020.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Ivar Winter".

Kyle Ivar Winter, P.E.
Deputy Regional Director

KIW/lac/32071-4 Title V Renewal

Attachment: Permit

cc: Manager, Air Compliance (electronic file submission)
Chief, Air Enforcement Branch (3AT20), U.S. EPA, Region III (electronic file submission)



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**Federal Operating Permit
Article 1**

This renewal permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this renewal permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This renewal permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This renewal permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.


Authorization to operate a Stationary Source of Air Pollution as described in this renewal permit is hereby granted to:

Permittee Name: Southside Regional Public Service Authority
Facility Name: Butcher Creek Sanitary Landfill
Facility Location: 4803 Highway 92
Chase City, Virginia
Registration Number: 32071
Permit Number: PRO-32071

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 3 through 20)

July 22, 2020
Effective Date
July 21, 2025
Expiration Date



Deputy Regional Director
July 22, 2020
Signature Date

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Facility Information

Permittee

Southside Regional Public Service Authority (SRPSA)
P.O. Box 362
Boydton, VA 23917

Responsible Official

H. Wayne Carter, III
Executive Director

Facility

Butcher Creek Sanitary Landfill
4803 Highway 92
Chase City, VA 23924

Contact Person

David Cooke
Operations Manager
(434)-738-6191

County-Plant Identification Number: 51-117-00069

Facility Description: NAICS 562212 – Solid Waste Landfill

Butcher Creek Sanitary Landfill is a municipal solid waste (MSW) landfill owned and operated by the Southside Regional Public Service Authority (SRPSA). The facility is situated on a 611-acre parcel of land owned by the SRPSA. The landfill accepts residential and commercial waste and is located at 4803 Highway 92, Chase City, VA (Mecklenburg County). The location is in attainment for all pollutants. The landfill emits VOC, NMOC, and HAPs, which are below PSD levels, and operates under a minor New Source Review (NSR) permit amended on June 28, 2019, and a TV permit renewed on December 10, 2013.

As well as operating under current minor source and TV air permits, the site operates under VADEQ Solid Waste Permit No. 598, which was initially issued on July 25, 2007. Over the past few years, the Solid Waste Permit No. 598 has been modified for various reasons. The last modification, No. 4, was issued on February 12, 2018 and involved reducing the initially 11 permitted cells to 8 cells, which in turn reduces the site's design capacity to 4,879,248 Mg (9,779,00 cubic yards). The reduction allows the landfill's estimated remaining site life to be extended to 74.6 years based on the daily disposal average waste acceptance of 250 tons/day, operating 260 days/year, and an estimated in-place waste density of 1100 tons/cubic yard. The daily maximum disposal limit for the site remains at 700 tons per day. Cells 1, 2, and 3 have been constructed and all incoming waste is disposed in them.

The landfill is not required to have a landfill gas collection and control system (GCCS) under NSPS Subpart WWW, because the 50 Mg per year NMOC applicability limit has not been triggered yet based on the site specific NMOC concentration obtained by Tier 2 testing conducted at the facility. TV permitting is only applicable to the landfill, because NSPS Subpart WWW requires landfills with design capacities greater than or equal to 2.5 million Mg and 2.5 million cubic meters to obtain a TV permit. This situation is considered to be a TV source by permit rule.

There are two other emission sources at the site, an emergency diesel generator and a leachate storage tank, which are exempt from state minor source permitting and are not applicable to any state existing source rule requirements. The generator is subject to MACT Subpart ZZZZ and may be subject to NSPS Subpart IIII requirements, but these requirements have not been included in this permit due to the landfill being an area source and VADEQ has not accepted delegation for area sources subject to MACT Subpart ZZZZ or NSPS Subpart IIII. EPA has delegation for these requirements in this situation. Also, the facility has not applied for an alternative operating scenario as defined in 40 CFR Part 70.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description *	PCD ID	Pollutant Controlled	Applicable Permit Date
P01	NA- Fugitive Emissions	Municipal Solid Waste Landfill accepting residential and commercial waste. First waste acceptance began September 2007. Cells 1, 2, and 3 are constructed and waste disposed in them.	8 cells with site design capacity of 4,879,248 Mg (9,779,000 cubic yards). Maximum daily disposal limit of 700 tons per day with an average waste acceptance of 250 tons per day. VADEQ Solid Waste Permit No. 598, last modified on February 12, 2018, limits design capacity.	NA	NA	NA	June 28, 2019 superseded initial permit dated December 20, 2007

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

Landfill Requirements – (Emission Unit ID# P01)

1. **Landfill Requirements - Limitations** - The permittee shall accept no more than 255,500 tons (231,789 Mg) of solid waste per year, calculated monthly as the sum of each consecutive 12-month period, for the landfill. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 14 of 6/28/2019 Permit)
2. **Landfill Requirements - Limitations** – Fugitive dust emission controls shall include the following, or equivalent, as approved by DEQ:
 - a. Dust from grading, cell construction, waste compaction, application of daily cover, wood waste chipping operations, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by DEQ) control measures.
 - b. All material being stockpiled shall be kept moist to control dust during storage and handling or covered to minimize emissions.
 - c. Dust from haul roads shall be controlled by wet suppression and prompt removal of dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill.
 - d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.
(9VAC5-80-110, 9 VAC 5-50-90 and Condition 13 of 6/28/2019 Permit)
3. **Landfill Requirements - Limitations** - The design capacity of the MSW landfill is 4,879,248 Mg. A change in the design capacity may require a permit to construct and operate.
(9VAC5-80-110 and Condition 1 of 6/28/2019 Permit)]
4. **Landfill Requirements - Limitations** - The permittee shall recalculate the annual or 5 year estimate of the NMOC emission rate using the equations provided in 40 CFR 60.754(a)(1) and the site specific NMOC concentration (Tier 2) as detailed in Condition 18 until the recalculations are equal to or greater than 50 Mg or the landfill is closed. As allowed by 40 CFR 60.754(a)(1), the mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a landfill section for the NMOC recalculations provided that the documentation listed in 40 CFR 60.758(d)(2) is kept.
(9VAC5-80-110, 40 CFR 60.752(b)(1)(ii), 40 CFR 60.754(a)(1), 40 CFR 60.754(a)(3)(iii) and Condition 3 of 6/28/2019 Permit)

5. **Landfill Requirements - Limitations** - If the annual or 5 year estimate of the NMOC emission rate calculated according to the procedures in Condition 4 is equal to or greater than 50 Mg per year, the permittee shall within 1 year after submittal of this NMOC estimate emission rate in the report required by Condition 21:
- Submit an LFG gas collection system and control plan meeting the design requirements of 40 CFR 60.752(b)(2)(ii) and prepared by a professional engineer, or
 - Determine a site specific methane generation constant (Tier 3) using the procedures detailed in 40 CFR 60.754(a)(4) and recalculate the NMOC emission rate using the site specific NMOC concentration (Tier 2) and the site specific methane generation (Tier 3) in the equations provided in 40 CFR 60.754(a)(1). Provided that the NMOC emission rate calculations verify a rate below 50 Mg, a revised NMOC emission rate report shall be submitted and resumed annual NMOC emission rate reports according to 40 CFR 60.757(c)(2) rather than the 5 year estimate rate reports along with the annual recalculation of the NMOC emission rate using the site specific parameters.
- (9VAC5-80-110, 40 CFR 60.754(a)(3)(ii), 40 CFR 60.754(a)(4), 40 CFR 60.754(a)(4)(ii), 40 CFR 60.757(c)(2) and Condition 6 of 6/28/2019 Permit)
6. **Landfill Requirements - Limitations** - If the site specific methane generation constant (Tier 3) determined in Condition 5 is used in recalculating the NMOC emission rate for the annual estimate report and the rate still equals or exceeds 50 Mg per year, the permittee shall within 1 year of the report showing the exceedance submit a LFG collection and control system design plan meeting the requirements of 40 CFR 60.752(b)(2) to the Piedmont Regional Office for review.
(9VAC5-80-110, 40 CFR 60.757(c)(2) and Condition 7 of 6/28/2019 Permit)
7. **Landfill Requirements - Limitations** - If the permittee is required within 30 months of the NMOC emission rate report demonstrating an exceedance of 50 Mg to install and operate a LFG collection and control system, the following system requirements shall be met:
- Is designed to handle the maximum expected gas flow rate from the entire area of the landfill;
 - Collects gas from each area, cell or group of cells in which initial solid waste has been in place for a period of:
 - Five years or more if active; or
 - Two years or more if closed or at final grade;
 - Collects gas at a sufficient extraction rate;

- d. Is designed to minimize off-site migration of subsurface gas;
- e. Reduces NMOC by 98 weight-percent or, for an enclosed combustion device, either reduces NMOC by 98 weight-percent or reduces the outlet concentration to less than 20 ppmv, dry, as hexane, at 3% oxygen.
- f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above the background level.

(9VAC5-80-110, 40 CFR 60.752(b)(ii), 40 CFR 60.752(b)(iii), 40 CFR 60.752(b)(iv) and Condition 8 of 6/28/2019 Permit)

- 8. **Landfill Requirements - Limitations** - The permittee shall apply for a solid waste permit amendment in accordance with Solid Waste Management Regulations, if, a LFG collection and control system is required under NSPS, Subpart WWW to be installed.
(9VAC5-80-110 and Condition 10 of 6/28/2019 Permit)
- 9. **Landfill Requirements - Limitations** - The permittee shall apply for a minor new source review permit amendment if a LFG collection and control system is required.
(9VAC5-80-110 and Condition 11 of 6/28/2019 Permit)
- 10. **Landfill Requirements - Limitations** - The permittee shall apply for a Title V operating permit amendment within 90 days of the approval date for the LFG collection and control design plan, if, a LFG collection and control system is required under NSPS, Subpart WWW to be installed.
(9VAC5-80-110 and Condition 12 of 6/28/2019 Permit)
- 11. **Landfill Requirements - Limitations** - Visible emissions shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9VAC5-80-110, 9 VAC 5-50-80 and Condition 15 of 6/28/2019 Permit)
- 12. **Landfill Requirements - Limitations** - Except where this permit is more restrictive than the applicable requirement, the MSW landfill as described in the Emission Units section shall be operated in compliance with the requirements of 40 CFR 60, Subpart WWW.
(9VAC5-80-110 and Condition 16 of 6/28/2019 Permit)
- 13. **Landfill Requirements - Limitations** - At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to process equipment which affect such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-80-110 and Condition 24 of 6/28/2019 Permit)

14. **Landfill Requirements - Monitoring** – The permittee shall visually survey landfill activities for any sources of excessive fugitive emissions at a minimum of once per week of landfill operations. For the purpose of the required survey, excessive fugitive emissions are considered to be any visible emissions that leave the facility's site boundaries. The presence of excessive fugitive emissions shall require further investigation as to the cause of the emissions and timely corrective action shall be taken. If water is used to control the fugitive dust emissions, the permittee shall not create a water quality problem from surface water runoff. All observations and corrective actions taken shall be logged and recorded as detailed in Condition 15.
(9VAC5-80-110)
15. **Landfill Requirements - Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Regional Office. These records shall include, but are not limited to:
 - a. Current maximum design capacity of the MSW landfill including assumptions for the site specific waste density and capacity calculations for verification.
 - b. Current amount of refuse in place.
 - c. Year by year refuse accumulation rates based on a calendar year (January 1 through December 31).

- d. Annual solid waste acceptance for the landfill, calculated monthly as the sum of each consecutive 12-month period as required by Condition 1. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
- e. Documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste as well as any nonproductive areas excluded from LFG estimation and collection/control as well as the Tier 2 sampling procedures listed in Condition 19.a
- f. Results from all Tier 2 and Tier 3 sampling conducted.
- g. Calculations for the NMOC emission rate using the equations listed in 40 CFR 60.754(a)(1) along with the site specific NMOC concentration (Tier 2) determined by Condition 18 and the site specific methane generation constant (Tier 3) determined by Condition 5, if chosen.
- h. Copies of the initial design capacity report, annual NMOC emission rate report, and 5 year estimate NMOC emission rate report.
- i. Observation logs of the visual surveys for excessive fugitive emissions required by Condition 14. The logs shall contain the date, time, and name of person conducting the survey; whether any excessive fugitive emissions were observed and the suspected cause if these emissions were observed; and the date, time, and type of corrective actions taken for any excessive fugitive emissions.
- j. The requirements listed in Condition 13.

Records for items a, b, and c may be maintained off-site if they are retrievable within 4 hours and either a paper copy or electronic format is acceptable. All records shall be available for inspection by the DEQ and shall be current for the most recent five years. (9 VAC 5-80-110, 40 CFR 60.758(a), 40 CFR 60.758(e), and Condition 20 of 6/28/2019 Permit)

16. **Landfill Requirements - Testing** - The MSW landfill shall be constructed so as to allow for emissions testing at any time using appropriate methods. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided.
(9VAC5-80-110 and Condition 17 of 6/28/2019 Permit)

17. **Landfill Requirements - Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-80-110)
18. **Landfill Requirements - Testing** - The permittee shall retest the site specific NMOC concentration (Tier 2) using the most recent sampling procedures contained in 40 CFR 60.754(a)(3) at a minimum of once every 5 years beginning with year 2023 and until the NMOC emission rate is equal to or greater than 50 Mg or the landfill is closed.
(9VAC5-80-110, 40 CFR 60.754(a)(3)(iii) and Condition 2 of 6/28/2019 Permit)
19. **Landfill Requirements - Testing** - The permittee shall determine the NMOC concentration required by Condition 18 using the sampling procedures detailed in 40 CFR 60.754(a)(3) which are as follows:
 - a. Install two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. Sample probes should be located to avoid known areas of nondegradable solid waste.
 - b. Collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of 40 CFR 60, Appendix A. Method 18 of 40 CFR 60, Appendix A may be used to analyze the samples collected by the Method 25 or 25C sampling procedure.
 - c. Taking composite samples from different probes into a single cyclinder is allowed, but equal sample volumes must be taken from each probe. The sampling rate, collection times, beginning and ending cyclinder vacuums, or alternative volume measurements shall be recorded to verify that composite volumes are equal.
 - d. Composite sample volumes shall not be less than one liter unless evidence is provided to corroborate the accuracy of smaller volumes. Compositing shall be terminated before the cylinder approaches ambient pressure where measurement accuracy diminishes.
 - e. When using Method 18 for sample analyzation, all compounds in the sample shall be identified and as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. The instrument used for compound identification shall be calibrated for each compound listed in the most recent AP-42.
 - f. The concentration of each Method 18 compound shall be converted to hexane by multiplying by the ratio of its carbon atoms divided by six.

- g. All samples must be used in the analysis if more than the required number of samples are taken.
- h. The NMOC concentration shall be divided from Method 25 or 25C of 40 CFR Part 60, Appendix A by six to convert from CNMOC as carbon to CNMOC as hexane.

The permittee shall submit a test protocol at least 30 days prior to the sampling. Details of the sampling are to be arranged with the Piedmont Regional Office. The sampling shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the most current requirements listed in 40 CFR 60 Subpart WWW.

(9VAC5-80-110, 40 CFR 60.754(a)(3) and Condition 18 of 6/28/2019 Permit)

20. **Landfill Requirements - Testing** - The permittee shall determine a site specific methane generation constant (Tier 3) as allowed by Condition 5 by using the sampling procedures provided in Method 2E of 40 CFR 60, Appendix A.

The permittee shall submit a test protocol at least 30 days prior to the sampling. Details of the sampling are to be arranged with the Piedmont Regional Office. The sampling shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the most current requirements listed in 40 CFR 60 Subpart WWW.

(9VAC5-80-110, 40 CFR 60.754(a)(4) and Condition 19 of 6/28/2019 Permit)

21. **Landfill Requirements - Reporting** - The permittee shall submit an annual or a 5 year estimate report of the calculated NMOC emission rate as required by 40 CFR 60.757(b)(1)(ii) to the Piedmont Regional Office on October 1, 2019 with subsequent reports due by April 15th of the applicable year until the NMOC emission rate is equal to or greater than 50 Mg or the landfill is closed. The submitted report shall contain all data, calculations, sample reports, and measurements used to estimate the NMOC emissions. The 5 year estimate report shall also contain the following:

- a. Current amount of solid waste-in-place.
- b. The estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated.

(9 VAC 5-80-110, 40 CFR 60.757(b)(1), 40 CFR 60.757(b)(1)(ii), 40 CFR 60.757(b)(2)), and Condition 4 of 6/28/2019 Permit)

22. **Landfill Requirements - Reporting** - If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported for the 5 year report referenced in Condition 21, the permittee shall submit a revised 5 year estimate to the Piedmont Regional Office. The revised report shall be submitted within 180 days of the first exceedance of the

estimated waste acceptance and shall cover the 5 year period beginning with year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.
(9 VAC 5-80-110, 40 CFR 60.757(b)(1)(ii), and Condition 5 of 6/28/2019 Permit)

23. **Landfill Requirements - Reporting** - The permittee shall submit a closure report to the Piedmont Regional Office within 30 days of waste acceptance cessation. Permanent closure shall follow the requirements listed in 40 CFR 258.60. The permittee shall place no additional wastes into the landfill without filing a notification of modification as described under 40 CFR 60.7(a)(4).
(9 VAC 5-80-110, 40 CFR 60.757(d)), and Condition 9 of 6/28/2019 Permit)
24. **Landfill Requirements - Reporting** - The permittee shall submit one copy of the reports required in Conditions 21, 22, and 23 to the U.S. Environmental Protection Agency at the following address:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110, 40 CFR 60.757(b)(1)(ii), 40 CFR 60.757(d), and Condition 21 of 6/28/2019 Permit)

Insignificant Emission Units

25. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9VAC5-80-720B)	Rated Capacity (9VAC5-80-720C)
P02	Fixed roof, vertical leachate storage tank (500,000 gallons capacity)	9 VAC 5-80-720B	VOC	

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110. (9VAC5-80-110)

Permit Shield & Inapplicable Requirements

26. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Reason for Inapplicability
9 VAC 5 Chapter 40 Article 8 (Rule 4-8)	Emission Standards for Fuel Burning Equipment	Standards do not apply to stationary internal combustion engines (9 VAC 5-40-880 E). The emergency generator (P03) is a stationary internal combustion engine and is not subject to Rule 4-8.
9 VAC 5 Chapter 40 Article 25 (Rule 4-25)	Emission Standards for Volatile Organic Compound Storage and Transfer Operations	Standards only apply to those sources in VOC control areas and standards do not apply if VOC stored has vapor pressure less than 1.5 pounds per square inch absolute under actual storage conditions (9 VAC 5-40-3410 B & C2). The leachate storage tank (P02) is not subject to Rule 4-25 because Mecklenburg County is not a VOC control area and the leachate stored has a vapor pressure lower than 1.5 pounds per square inch absolute.
9 VAC 5 Chapter 40 Article 43 (Rule 4-43)	Emission Standards for Municipal Solid Waste Landfills	Applicable to landfills that commenced construction, reconstruction, or modification before May 30, 1991. Rule 4-43 incorporates Emission Guideline Cc requirements for the pre May 30, 1991 landfills, i.e., existing landfills. The landfill (P01) is considered a "new" landfill because the Solid Waste permit was issued in 2007. Because the landfill is "new", it is subject to NSPS Subpart WWW and not Rule 4-43 requirements.
9 VAC 5 Chapter 40 Article 43.1 (Rule 4-43.1)	Emission Standards for Municipal Solid Waste Landfills for which Construction, Reconstruction, or Modification was Commenced On or Before July 17, 2014	Applicable to existing landfills that commenced construction, reconstruction, or modification on or before July 17, 2014. Existing landfills are considered those currently subject to NSPS Cc and WWW. If a landfill exceeds 34 Mg of NMOC in any year and is not subject to NSPS Subpart XXX, then the landfill is subject to the new Emission Guideline Cf. Rule 4-43.1 incorporates Emission Guideline Cf requirements for pre July 17, 2014 landfills. Based on the September 23, 2019 TV-NMOC Emission Rate Report for 2019, the rounded NMOC emission rate for waste currently in place thru August 31, 2019 is 34 Mg. The requirements under Rule 4-43.1 do not apply due to the NMOC emission rate not exceeding 34 Mg.

Citation	Title of Citation	Reason for Inapplicability
NSPS Subpart Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	Applicable to landfills that commenced construction, reconstruction, or modification before May 30, 1991. Emission Guideline Cc requirements are for the pre May 30, 1991 landfills, i.e., existing landfills. The landfill (P01) is considered a "new" landfill because the Solid Waste permit was issued in 2007. Because the landfill is "new", it is subject to NSPS Subpart WWW and not Emission Guideline Cc.
NSPS Subpart Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	Subpart requires each state to submit a state plan to EPA to implement the requirements of the subpart. As of August 22, 2019, VADEQ has not submitted a final state plan or a negative declaration for this subpart. It is unclear if or when VADEQ will submit a plan. In the meantime, EPA has proposed
		federal plan requirements for Municipal Solid Waste Landfills that Commenced Construction on or before July 17, 2014 and Have Not been Modified or Reconstructed Since July 17, 2014 to be implemented if state plans required by Subpart Cf are not approved or submitted. Unless VADEQ submits a state plan to implement the subpart before the federal plan is approved, the landfill will not be subject to Subpart Cf.
NSPS Subpart XXX	Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification after July 17, 2014	Requirements do not apply to the landfill (P01) because the change at the landfill was a decrease and not an increase in design capacity for the landfill.
MACT Subpart AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills	The landfill (P01) is not subject to the MACT requirements because the landfill is an area source for HAPs, is not collocated with a source that is major for HAPs, the uncontrolled NMOC emissions are below 50 Mg/yr; and does not have bioreactors at the site.
NSPS Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	The leachate storage tank (P02) is not subject to the requirements because the liquid stored has a maximum true vapor pressure less than 3.5 kPa.

Citation	Title of Citation	Reason for Inapplicability
40 CFR Part 64	Compliance Assurance Monitoring (CAM)	The requirements do not apply to the landfill (P01) because its emissions do not exceed major source levels. It is an area source. CAM is only for emissions unit at major sources.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9VAC5-80-110 and 9VAC5-80-140)

General Conditions

27. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9VAC5-80-110)

28. **General Conditions - Permit Expiration** –

- a. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
- b. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
- c. If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-150.
- d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
- e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the

end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

- f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

- 29. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

(9VAC5-80-110)

- 30. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9VAC5-80-110)

- 31. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9VAC5-80-110)

32. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;

- e. Consistent with subsection 9VAC5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9VAC5-80-110 K.5)

- 33. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 31 of this permit.
(9VAC5-80-110 F. 2)
- 34. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Piedmont Regional Office such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Piedmont Regional Office.
(9VAC5-80-110 and 9VAC5-20-180)
- 35. **General Conditions - Failure/Malfunction Reporting** - The emission units that have continuous monitors subject to 9VAC5-40-50 C and 9VAC5-50-50 C are not subject to the 14 day written notification.
(9VAC5-20-180)
- 36. **General Conditions - Failure/Malfunction Reporting** - The emission units subject to the reporting and the procedure requirements of 9VAC5-40-50 C and the procedures of 9VAC5-50-50 C are listed below:

- a. Not applicable
- b. Not applicable

(9VAC5-80-110, 9VAC5-20-180 C)

37. **General Conditions - Failure/Malfunction Reporting** - Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9VAC5-40-41 or 9VAC5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart in 9VAC5-50-410) and either a monitoring systems performance report or a summary report form, or both, to the board semiannually. All semi-annual reports shall be postmarked by the 30th day following the end of each calendar semi-annual period (June 30th and January 30th). All reports shall include the following information:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9VAC5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

All malfunctions of emission units not subject to 9VAC5-40-50 C and 9VAC5-50-50 C require written reports within 14 days of the discovery of the malfunction.
(9VAC5-80-110 and 9VAC5-20-180 C)

38. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-110)
39. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for

enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-110)

40. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-110)
41. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC80-110, 9VAC5-80-190 and 9VAC5-80-260)
42. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)
43. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9VAC5-80-110)
44. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.
(9VAC5-80-110)
45. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-50 through 9VAC5-80-300 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by DEQ. The amount of the annual permit maintenance fee shall be

the largest applicable base permit maintenance fee amount from Table 8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9VAC5-80-110, 9VAC5-80-340 and 9VAC5-80-2340)

46. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9VAC5-80-110 and 9VAC5-50-90)

47. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9VAC5-80-110 and 9VAC5-50-20 E)

48. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this

permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.
(9VAC5-80-110)

49. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110)

50. **General Conditions - Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

- 51. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9VAC5-80-110 and 9VAC5-80-150)

- 52. **General Conditions - Transfer of Permits**

- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
- b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
- c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110 and 9VAC5-80-160)

- 53. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9VAC5-80-110, 9VAC5-80-190 C and 9VAC5-80-260)

- 54. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9VAC5-80-110 and 9VAC5-80-80 E)

55. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(9VAC5-80-110 and 40 CFR Part 82)
56. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9VAC5-60-70 and 9VAC5-80-110)
57. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(9VAC5-80-110 and 40 CFR Part 68)
58. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-110)
59. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.

(9VAC5-80-110)